

*Law Offices of*  
**SUSAN CHANA LASK**

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**VIA ECF**

October 29, 2010

Honorable James Orenstein, Magistrate Judge  
Eastern District of New York  
United States District Court  
225 Cadman Plaza East, Rm. 1227 South  
Brooklyn, NY 11201

Re: Campbell v. Baum et. Al., Case No.: 10 cv-03800

Dear Honorable Judge Orenstein:

This office represents Plaintiffs. I respond to Defendants MERS October 28, 2010 letter motion requesting an extension to answer or move by November 26, 2010. Considering the below, I request the date be November 14, 2010 so the case may proceed expedited and to avoid conflicts with the holidays.

As Plaintiffs' counsel, I state as follows:

1. Defendants MERS answer or motion was due October 29, 2010.
2. On October 26, 2010, Defendants MERS counsel, Ms. Mani, requested an extension.

Considering she was going to file a motion and that the Baum Defendants already filed a motion, I informed we should coordinate motion briefing dates for all parties. We discussed dates but did not finalize an agreement as my stipulation was revised by Ms. Nani. I realized she wanted to serve me the holiday week of Thanksgiving, which was not agreeable and led to my final stipulation (**Exhibit "A"**-page 3). She does disclose that in her letter to this Court.

3. On October 28, 2010, this Court filed an Order directing this case proceed on an "expedited" discovery schedule and that the parties coordinate a briefing schedule.

4. Consistent with that Order, I drafted a Discovery and Briefing schedule that day, coordinating the scheduling (**Exhibit "A"**-page 3). I asked all counsel to respond. The Baum

Defendants' counsel cooperated and responded that he had an issue with one of the dates, which we will resolve (**Exhibit "B"**).

5. Ms. Nani refused to respond. Instead, she filed her October 28, 2010 letter motion requesting November 26, 2010 to move or answer.

6. Unfortunately, her letter falsely states I ignored her "repeated attempts" to communicate. That is impossible when I was communicating with her all day, including my e-mails at 2:10, 4:59 and 5:39, resulting in my drafting the briefing and discovery stipulation per the Court's Order (see **Exhibit "A"**-page 3).

7. Per the stipulation, Defendant MERS gets an additional 17 day extension in addition to their already 21 days to answer or move that they have ignored. Now they have a total of 58 days. That is reasonable, plenty of time to respond and avoids interfering with the holidays that she wants to serve Thanksgiving Friday, November 26. Her request will lead to my request to extend the matter weeks more as I am away for the holiday. That can be avoided if she will simply file her response by November 14, 2010, a total of 58 days since her client was served.

For the foregoing reasons, Plaintiffs respectfully requests the Court to grant Defendants an extension to November 14, 2010 so we may coordinate the expedited briefing and discovery schedule in this case. A proposed Order is attached hereto.

Very truly yours,  
LAW OFFICES OF SUSAN CHANA LASK

*Susan Chana Lask*  
SUSAN CHANA LASK

cc:Namita E. Mani, Esq.  
Brett Scher, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

CONCEPCION CAMPBELL, individually &

for all those similarly situated,

Plaintiff,

-against-

STEVEN J. BAUM, ESQ.; et. al.,

Defendants.

**Case No.:**

**10 cv 3800 (JBW) (JO)**

**ORDER**

----- X

Defendants MERS CORP, Inc. and Mortgage Electronic Registration System, Inc. shall answer or move to Plaintiff's complaint on or before November 14, 2010.

IT IS SO ORDERED

BY THE COURT

Dated: October\_\_\_\_, 2010

\_\_\_\_\_  
The Honorable James Orenstein  
United States Magistrate Judge  
Eastern District of New York

**SCLESQ**

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**Subject:** FW: 10-28-10 Stip Campbell v. Baum/MERS  
**Attachments:** 10-28-10StpSchd.DOC

-----Original Message-----

**From:** SCLESQ [mailto:susanlesq@verizon.net]  
**Sent:** Thursday, October 28, 2010 5:39 PM  
**To:** 'Mani, Namita E.'  
**Cc:** 'Brett A. Scher'  
**Subject:** 10-28-10 Stip Campbell v. Baum/MERS

Mani and Brett: Considering today's court orders expediting discovery for a SJ motion hearing on 3/4/10, attached is a stip following the Court's direction to expedite.

As for MERS request for time to 11/26--I never agreed to that. MERS had the complaint for 3 weeks and another almost three weeks is enough time considering this case needs to move, and certainly Morgan Lewis can move it in 6 weeks total by 11/14.

Moreover, Morgan Lewis is accustomed to MERS as its counsel in other cases, so this is not new to your firm.

I will not let this case wait and clearly the Court does not want to either. Otherwise file your motion on time so we can move this case as everyone has an interest in answers and closure here.

Please review the attached and reply back tomorrow as we need to complete this per the court that clearly wants documents on this issue to make a decision.

-----

-----Original Message-----

**From:** SCLESQ [mailto:susanlesq@verizon.net]  
**Sent:** Thursday, October 28, 2010 4:59 PM  
**To:** 'Mani, Namita E.'  
**Subject:** RE: 10-26-10 Stip Campbell v. Baum/MERS

Do not draft anything--I am drafting a scheduling order that will handle all issues.

-----Original Message-----

**From:** Mani, Namita E. [mailto:nmani@morganlewis.com]  
**Sent:** Thursday, October 28, 2010 3:52 PM  
**To:** Susan Lask  
**Subject:** RE: 10-26-10 Stip Campbell v. Baum/MERS

In light of the recent orders, I think this needs to be done as a stip/request for extension to Magistrate Judge Orenstein. I am drafting something now.

Namita E. Mani

-----Original Message-----

**From:** Susan Lask [mailto:susanlesq@verizon.net]  
**Sent:** Thursday, October 28, 2010 2:10 PM  
**To:** Mani, Namita E.  
**Subject:** RE: 10-26-10 Stip Campbell v. Baum/MERS

I will get back to you in an hour please wait

-----Original Message-----

From: Mani, Namita E. <nmani@morganlewis.com>

Sent: Thursday, October 28, 2010 12:06 PM

To: SCLESQ <susanlesq@verizon.net>

Subject: FW: 10-26-10 Stip Campbell v. Baum/MERS

Hi Susan,

Do you have any changes to the stip? If not, I am happy to file it. I'd like to get it on file today as our deadline to respond is tomorrow. Please let me know.

Thanks,

Namita

Namita E. Mani

EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
**CONCEPCION CAMPBELL, individually &  
for all those similarly situated,**

**Plaintiff,**

**-against-**

**STEVEN J. BAUM, ESQ.; et. al,  
Defendants.**  
----- X

**Case No.:  
10 cv 3800 (JBW) (JO)**

**STIPULATION REGARDING  
EXPEDITED DISCOVERY  
SCHEDULE**

As required by the Court's October 28, 2010 Order for expedited discovery and a briefing schedule, Plaintiffs and all Defendants hereby stipulate to the following:

**1. Initial Stipulations**

- a.** Defendants MERSCORP, INC. and MORTGAGE ELECTRONIC REGISTRATIONS, INC. (collectively, THE "MERS Defendants") waive any defenses related to service of process and will answer, move, or otherwise appear with respect to Plaintiffs' Amended Complaint on or before **November 14, 2010.**

**2. Expedited Discovery Plan**

**Present through  
November 30, 2010**

The parties shall exchange written discovery demands on or before November 5, 2010, including Interrogatories and Requests for Production of Documents, to be submitted to each other by November 11, 2010. Responses shall be due November 30, 2010.

**December 1, 2010  
through  
December 10, 2010**

The Parties shall complete noticed depositions.

3. **Summary Judgment Briefing:**

- a. Plaintiffs shall file opposition to Defendants' motions on or before January 14, 2011.
- b. Defendants shall file any reply on or before January 22, 2011.
- c. Oral Argument shall be on or before March 4, 2011, or earlier, pursuant to the Court's October 28, 2010 Order.

4. **Amendment of Scheduling Order and Discovery Plan:** This Scheduling Order and Discovery Plan may be amended only on a showing of good cause not foreseeable at the time of this conference or when justice so requires.

Dated: New York, New York  
October 28, 2010

LAW OFFICES OF SUSAN CHANA LASK

KAUFMAN DOLOWICH VOLUCK &  
GONZO, LLP

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By: Susan Chana Lask, Esq.  
Attorneys for Plaintiff  
244 Fifth Avenue, Suite 2369  
New York, New York 10001  
(212) 358-5762

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By: Brett A. Scher  
Attorneys for Defendants Baum  
135 Crossways Park Drive, Suite 201  
Woodbury, New York 11797  
(516) 681-1100

MORGAN, LEWIS & BOCKIUS LLP

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By: Namita E. Mani, Esq.  
Attorneys for Defendants MERSCORP, Inc. and  
Mortgage Electronic Registrations, Inc.  
101 Park Avenue  
New York, NY 10178  
(212) 309-6000

IT IS SO ORDERED

BY THE COURT

Dated: October \_\_, 2010

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The Honorable James Orenstein  
United States Magistrate Judge  
Eastern District of New York

## SCLESQ

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**From:** Brett A. Scher <bscher@kdvglaw.com>  
**Sent:** Thursday, October 28, 2010 5:51 PM  
**To:** 'SCLESQ'; 'Mani, Namita E.'  
**Subject:** RE: 10-28-10 Stip Campbell v. Baum/MERS

Susan,

I will get back to you with changes tomorrow. At the outset, I note that I will be out of the country from Dec. 3 to Dec. 8 so the window you picked for depositions will have to be moved back.

Regards,  
Brett

Brett Scher  
Partner

Kaufman Dolowich Voluck & Gonzo LLP  
135 Crossways Park Drive, Suite 201  
Woodbury NY 11797  
Main: 516-681-1100  
Fax: 516-681-1101  
[bscher@kdvglaw.com](mailto:bscher@kdvglaw.com)  
[www.kdvglaw.com](http://www.kdvglaw.com)

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Thank you.

Do you really need to print this email?  
In our efforts to go green, please consider the environment before printing.

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